

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**IN THE MATTER OF:**

**THE CITY OF ESCONDIDO  
201 NORTH BROADWAY  
ESCONDIDO, CALIFORNIA 92025**

**HALE AVENUE RESOURCE RECOVERY  
FACILITY, WDID NO. 9 000000031**

**NONCOMPLIANCE WITH ORDER  
NO. 99-72, NPDES NO. CA0107981  
WASTE DISCHARGE REQUIREMENTS  
FOR THE CITY OF ESCONDIDO, HALE  
AVENUE RESOURCE RECOVERY  
FACILITY, DISCHARGE TO THE PACIFIC  
OCEAN VIA THE ESCONDIDO LAND  
OUTFALL AND THE SAN ELIJO OCEAN  
OUTFALL**

**COMPLAINT NO. R9-2004-0421**

) **FOR**  
 ) **ADMINISTRATIVE CIVIL LIABILITY**  
 ) **WITH**  
 ) **MANDATORY MINIMUM PENALTIES**

November 30, 2004

**THE CITY OF ESCONDIDO IS HEREBY GIVEN NOTICE THAT:**

1. The City of Escondido is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, Water Code section 13385 et seq. The violations alleged herein include violations of effluent limitations in waste discharge requirements for discharges of pollutants from point sources to navigable waters for which the Regional Board must impose mandatory minimum penalties.

## ALLEGATIONS

2. The City of Escondido discharged treated wastewater from the Hale Avenue Resource Recovery Facility to the Pacific Ocean which is subject to waste discharge requirements, including numeric effluent limits, contained in Order No. 99-72, NPDES No. CA0107981, *Waste Discharge Requirements for the City of Escondido, Hale Avenue Resource Recovery Facility, Discharge to the Pacific Ocean, Via the Escondido Land Outfall and the San Elijo Ocean Outfall*.
3. Between May 3, 2004 and August 17, 2004 the City of Escondido's discharge exceeded effluent limitations for total suspended solids and carbonaceous oxygen demand as described in the attached *Violation Table*.


November 30, 2004

4. Under subdivision 13385(h) of the California Water Code, the Regional Board must impose mandatory minimum penalties of \$1,188,000 for the alleged violations of effluent limitations, as determined by the following:
  - a. Between May 3, 2004 and August 17, 2004, the reported concentration of total suspended solids and carbonaceous oxygen demand (Group I pollutants) in the City of Escondido's Hale Avenue Resource Recovery Facility's discharge violated the applicable effluent limitations one hundred and thirty three (136) times by 40% or more. In accordance with subdivision (h)(2) of Section 13385, these 136 violations are "serious" violations for which the mandatory minimum penalty under subdivision (h)(1) of Section 13385 is \$3,000 per violation, for a total of \$408,000.
  - b. Between May 3, 2004 and August 17, 2004, the reported concentration of total suspended solids and carbonaceous oxygen demand (Group I pollutants) in the City of Escondido's Hale Avenue Resource Recovery Facility's discharge violated the applicable effluent limitations two hundred sixty-three (263) times by less than 40%. In accordance with subdivision (h)(2)(1) of Section 13385, a mandatory minimum penalty of \$3,000 shall be assessed for any violation of a waste discharge requirement effluent limitation that occurs four or more times in a six-month period. Therefore, two hundred sixty (260) of these non-serious violations for which the mandatory minimum penalty under subdivision (h)(2)(1) of Section 13385 is \$3,000 per violation, for a total of \$780,000.

**PROPOSED CIVIL LIABILITY**

5. Pursuant to Section 13385(h) of the California Water Code, the Regional Board must impose mandatory minimum penalties of \$1,188,000 against the City of Escondido. No additional civil liability for the violations alleged in this Complaint is recommended.

Dated this 30th day of November 2004.

  
JOHN H. ROBERTUS  
Executive Officer